

Service Date: July 30, 1985

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER Of The Application Of	)	
The CITY OF LIVINGSTON For Authority	)	UTILITY DIVISION
To Increase Rates And Charges	)	DOCKET NO. 85.4.11
For Sewer Service.	)	ORDER NO. 5142a

FINDINGS OF FACT

1. On April 19, 1985, the City of Livingston (Applicant or City) filed an application with this Commission for authorization to increase sewer rates to its Livingston, Montana customers by approximately 42% which constitutes an annual revenue increase of approximately \$128,150.

2. On July 13, 1985, the City filed a request with the Commission for authorization to withdraw its application for increased sewer rates and charges. The City in its request stated that “. . . the City Council. . . . ., voted to seek an ‘in-house’ 12% rate increase. . . . . thereby negating the need for Public Service Commission action regarding the City of Livingston’s 42% rate increase presented to you in April 1985.”

3. The Commission finds that the City’s request to withdraw its application for increased rates and charges should be granted since the City Council has determined that Commission action on the filed rate increase is unwarranted.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties in this proceeding. Section 69-3-102, MCA.

2. Allowing the withdrawal of the application will not cause the imposition of rates which are unreasonable, unjust or improper. Section 69-3-303, MCA.

ORDER

NOW THEREFORE, IT IS ORDERED THAT:

1. The City of Livingston is authorized to withdraw the rate application filed with this Commission on April 19, 1985.

2. This Commission's Docket No. 85.4.11 is hereby CLOSED.

DONE IN OPEN SESSION at Helena, Montana, this 29th day of July, 1985, by a 4 - 0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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Clyde Jarvis, Chairman

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Howard L. Ellis, Commissioner

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Danny Oberg, Commissioner

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Tom Monahan, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.